

these sources abundant is in its infancy, and until that technology is adequately developed, renewable energy sources will remain dispersed and unable to deliver base load capacity; and

Whereas, Conservation can help satisfy the state's energy needs, and action to reduce customer demand is the quickest way to meet energy needs in the short term, but a growing economy and population will require more energy than can be saved through more efficient energy use; and

Whereas, To keep pace with increased demand, independent producers completed more than 11,000 wells in Texas in 2008, and in the two-year period 2007–2008, they increased the production of natural gas in Texas by more than 12 percent; and

Whereas, In addition to generating high-quality jobs, independent producers help to reduce America's dependence on Middle East oil by exploring for domestic resources and providing stable supplies of cost-effective energy to consumers; and

Whereas, Independent producers rely on longstanding tax provisions to plan their activities and to explore for new wells to offset declining production from older ones; without the development of new wells, energy supplies would decline and the costs to consumers would rise; and

Whereas, President Barack Obama's initial budget includes provisions deleting the intangible drilling costs deduction, percentage depletion allowance, geologic and geophysical costs deduction, and domestic production activities deduction, and the elimination of these provisions would cripple this state's energy jobs, reduce small businesses' access to capital, and harm royalty owners; and

Whereas, Intangible drilling costs (IDCs) typically include expenditures for physical items with no salvage value, as well as other costs associated with preparing and completing a well for the production of oil, gas, or geothermal steam or water; producers have long been able to deduct IDCs as current business expenses, rather than depreciate or amortize them over the life of the well; IDCs are actually similar to research and development costs, for which most manufacturing businesses are able to take a tax credit, rather than a deduction; and

Whereas, The percentage depletion allowance, also known as the small producers exemption, was created in the 1920s to encourage oil and natural gas exploration, which is an inherently high-risk venture; the exemption is available only to the smallest producers and allows them to deduct 15 percent of their gross income from oil and gas properties; and

Whereas, Geologic and geophysical (G&G) costs relate to the surveys that producers conduct or commission in order to locate and develop oil and natural gas reserves and to minimize unnecessary drilling; G&G costs may be amortized over the first 24 months of the life of a well; and

Whereas, The domestic production activities provision allows businesses a tax deduction for qualified production activities that are based in the United States; the deduction helps to preserve American jobs and American small businesses; and

Whereas, Major integrated companies are not eligible for the IDC deduction, percentage depletion allowance, or domestic production activities deduction, and they are subject to a seven-year amortization schedule for G&G work; consequently, "big oil" is not impacted by the proposed budget changes; and

Whereas, President Obama has stated his intention to support the development of jobs, promote the use of clean-burning energy, and reduce America's dependence on foreign oil,

yet his budget proposals would lessen the ability of independent producers to help meet those three goals: Now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby respectfully urge the United States Congress to reject the provisions of President Barack Obama's budget that would eliminate the intangible drilling costs deduction, percentage depletion allowance, geologic and geophysical costs deduction, and domestic production activities deduction and to encourage instead the development of Texas oil and natural gas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,
Speaker of the House.

ROBERT HANEY,
Chief Clerk of the House.

PATSY SPAN,
Secretary of the Senate.

Approved: RICK PERRY, *Governor.*

MEDICAL LIABILITY REFORM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to discuss one aspect of health care reform that, unfortunately, has not received a lot of attention by the Democrat majority. That is the issue of medical liability reform.

Recently, I spent a couple of days in my district in New Jersey touring hospitals, physician group practices, and long-term care facilities. When talking to the physicians at these facilities, I asked them, "What issue would you most like to see addressed in health care reform legislation?" In every single facility I visited, medical liability reform was either at or near the top of the list.

We know that the surge in malpractice lawsuits over the past 30 years has had a profoundly negative impact on the practice of medicine. And while, obviously, I feel that patients should be compensated for gross negligence by physicians, there is little doubt that our current tort system is broken. More than 60 percent of liability claims against physicians are dropped, withdrawn, or dismissed without payment. In 2007, the average cost of defending these claims was \$18,000 per case.

This has pushed the cost of liability insurance through the roof. The American Medical Association (AMA) has listed my home state of New Jersey as a "crisis state" for medical liability. Doctors face liability insurance premium increases that far outpace the already high rate of medical inflation. Some high-risk specialties, such as obstetrics or emergency, face annual premiums of over \$100,000 per year. According to a survey conducted by the

American College of Obstetricians and Gynecologists (ACOG), the lack of affordable liability insurance forced 70 percent of OB/GYNs to make changes to their practice. Liability concerns also forced between seven to eight percent of OB/GYNs to stop practicing obstetrics.

But more important than the direct costs of our tort system are the indirect costs. One pediatrician I spoke to said that he would "just like to practice medicine without feeling like a lawyer was looking over my shoulder all the time." The anxiety that our physicians face from confronting potential lawsuits seriously affects the doctor-patient relationship. Additionally, it drives up the cost of health care by encouraging the practice of "defensive medicine." The AMA estimates that defensive medicine adds somewhere between \$84–\$151 Billion per year in health care costs to our system. As another doctor I met with said, "I can waste money like you've never seen. When someone comes into my hospital and needs treatment, I can order every test, every procedure known to man, simply to protect myself from a lawsuit."

Even President Obama, in his recent address to the AMA has admitted that medical liability is a serious issue. But despite the support of the President, the medical establishment, and the overwhelming majority of Americans, of the 1,018 pages of H.R. 3200, the America's Affordable Health Choices Act, there is not a single page on medical liability reform.

Madam Speaker, this issue is simply too important for us not to address. Any serious attempt to reform our health care system must reform medical liability.

GOOD NEWS IN NEWARK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. PAYNE. Madam Speaker, like all urban centers, my home city of Newark faces many challenges. We are working hard to improve the quality of life for residents by moving forward in the area of affordable housing and health care, better schools, child care, and services for seniors. We are also proud of the fact that Newark welcomes visitors not only from other parts of our state, but also from around the nation and the world. As we continue our successful economic development efforts, I would like to draw to the attention of my colleagues here in the U.S. House of Representatives an article which highlights the good news for Newark.

NEWARK AT NIGHT: IT'S NOT A SURPRISE ANYMORE THAT THE CITY IS ALIVE AFTER DARK

(Posted by Philip Thomas, Lawrence P. Goldman and Jeff Vanderbeek/Star-Ledger Guest Columnists, July 09, 2009)

Not too long ago, something you wouldn't necessarily have thought of happened in Newark. It was extraordinary.

On a crisp November evening, a sold-out house of 2,800 people filled Prudential Hall at the New Jersey Performing Arts Center for a stunning concert by The 5 Browns, a family of Juilliard-trained, young virtuoso pianists, along with the New Jersey Symphony Orchestra.

Just down the street, another 19,000 people were doing something that happens in every

great American city, but hadn't in Newark for quite some time—attending a major league sporting event; in this case, a rousing hockey game where the New Jersey Devils skated past the Toronto Maple Leafs by a score of 3–2.

It was just a few days after the Prudential Center opened in downtown Newark and it was the city's first test of how it would move multiples of thousands of people through downtown streets. Newark passed with flying colors. And it was the first of many electrifying nights with multiple venues alit and Newark abuzz with activity.

Just recently, Newark Symphony Hall played host to a daylong conference on reimagining its future. What became clear through the day is the unmistakable rebirth of Newark at night. There can no longer be any doubt. Newark is alive and kicking up its heels at night and on the weekends.

For quite some time, the Newark Museum and Symphony Hall were in a lonely vanguard. There was little life in the downtown core and Newark's lingering reputation from years past did not help. Too many office workers raced out of the city at night, almost never touching city sidewalks because of the hermetically sealed tubes between the towers, the parking decks and Penn Station.

Happily, though, much has changed in the last decade. Like Cleveland and Pittsburgh, two similar cities formerly down on their luck, we have seen real change in Newark and it is exciting to be a part of it.

Since opening night, NJPAC has attracted some 6 million visitors, the vast majority in the evening and on weekends. As we like to say, "That's 6 million people coming to the building that wasn't going to be built in the city that no one was going to come to."

Similarly, since opening less than two years ago, Prudential Center has drawn nearly 3 million visitors to Newark, virtually all at night or on the weekend. As we like to say, "That's 3 million people coming to the Rock that couldn't be built in a city that no one would dare come to."

In fact, even in the worst economy in three generations, Devils attendance is up almost 15 percent from their best year in the Meadowlands. Perhaps more important is how long their fans are staying—on average over an hour longer than they did at the Meadowlands. That means they are dining at Newark restaurants and spending more time—and money—in the city.

Newark Symphony Hall is poised to experience a resurgence. The recent conference was a promising start. Its vibrancy is essential to enlivening the south Broad Street end of Newark and creating stability for not only the visitors, but for the people who reside in the neighborhood as well.

This bodes well for the housing and commercial development that is picking up steam and for continued economic investment in this part of the city. If Newark is to sustain its momentum, the entire length of Broad Street must become the centerpiece of significant redevelopment to elevate Newark to the next level of visitor interest.

Combined, last year nearly 2 million visitors came to spend an evening in Newark attending events at the three venues. But there is more we must achieve.

In Cleveland, for example there are now six successful theaters in Playhouse Square and the Quicken Arena brought LeBron James and the Cavaliers from the suburbs to the city. The Rock and Roll Hall of Fame has enticed tourism from far beyond Cleveland. What was once a desolate downtown is now delightful. Hotels, office development and retail followed.

That's what we are aiming for in Newark. We have world-class facilities. We have fine restaurants—many of them brand new and

participating in Newark's second annual restaurant week this month—and entertainment venues that dot the area around NJPAC and the Prudential Center, but we are not finished.

Cities are meant to be filled with all kinds of people coming together to celebrate, relax, revel and enjoy one another. That's now happening big time in Newark today. And that's very good news for all of us in New Jersey.

TRIBUTE TO THE LIFE AND LEGACY OF DR. A.D. PINKNEY, FORMER PRESIDENT OF THE INDIANAPOLIS NAACP

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to pay tribute to the life and legacy of Dr. A.D. Pinkney, former president of the Indianapolis National Association for the Advancement of Colored People. He passed away this month, at the age of 85.

Dr. Pinkney was an iconic civil rights leader who brought visionary changes that forever altered the racial landscape of Indianapolis, Indiana. Under his leadership, the NAACP brought two landmark cases before federal courts, which were instrumental in forcing the city to desegregate. The first ruling forced black students from the Indianapolis Public Schools area to be bused to township system schools. The second ruling by federal courts forced suburban townships to expand public housing options for people of color.

Through great courage and dedication, Dr. Pinkney opened the doors for our generation to come forward and serve our community as proud and honorable citizens. He was instrumental in breaking down ethnic and racial barriers, so that people of color may live a prosperous life of liberty and equality.

His passing is a great loss to the Indianapolis area community. I ask my colleagues to join me in honoring Dr. A.D. Pinkney for his service.

PERSONAL EXPLANATION

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ADLER of New Jersey. Madam Speaker, due to a meeting at the White House on Friday, July 30, 2009, I missed two votes. I would have voted as follows: Motion to recommit on H.R. 2479—"no"; final Passage of H.R. 2479, the Food Safety Enhancement Act of 2009—"yes."

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3133, the Energy and Water Development and Related Agencies Appropriations Act. I requested \$2,300,000.00 and received \$250,000.00 for the Statewide Comprehensive Water Plan at the Oklahoma Water Resources Board located at 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, which is a multi-year study to provide technical assistance to the state of Oklahoma in updating the Oklahoma Comprehensive Water Plan. The OWRB envisions that, combined with federal cost-shared funds, the OWRB could work with local water suppliers in evaluating their system conditions, long-term needs, and develop a strategy to meet their needs over a 50-year time horizon. The plan would also address the long-term needs of other water use sectors.

HONORING DR. MODESTO "MITCH" MAIDIQUE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a true leader, activist, champion of education and a dear friend, Dr. Modesto "Mitch" Maidique, President of Florida International University in Miami, Florida.

Dr. Maidique is the longest serving university president in the State of Florida and the second longest serving research university president in the country. For more than two decades, he has dedicated his life to FIU, its students, faculty and staff, and has transformed it into one of our nation's leading institutions of higher education. As he prepares to retire next week, it is a privilege to pay tribute to this visionary and extraordinary leader.

He began his service to FIU in the College of Business Administration as a professor of management and in 1986 was named FIU's fourth President. Under his leadership, enrollment at FIU has more than doubled, growing to more than 38,000 students and today ranks among the 20 largest universities in the United States. The university added 22 doctoral programs and 18 undergraduate programs during Dr. Maidique's presidency. It serves not only Floridians, but students from across the nation and world and has cultivated successful alumni and leaders in our community.

His tenacity and perseverance led to the establishment of the College of Law, College of Engineering and the School of Architecture and most recently, the historic opening of the new FIU College of Medicine, one of only three medical schools established in the last 25 years. The university also added a Division I-A football team in 2002. FIU's sponsored research funding has also grown from \$6 million to nearly \$110 million and the institution's endowment experienced exponential growth from less than \$3 million to more than \$105 million.

Prior to his tenure at FIU, Dr. Maidique co-founded Analog Devices Inc., Semiconductor Division. He also served as CEO of Collaborative Research, now Genome Therapeutics, and as senior partner in Hambrecht & Quist Venture Partners. He was also the past chairman of The Beacon Council, Miami's economic development authority and has testified